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10 Attorneys for Plaintiff
11 EASTBAY EXPRESS PUBLISHING LP

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13 UNITED STATES DISTRICT COURT

14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 EASTBAY EXPRESS PUBLISHING LP, } Case No. C09-02494 CW ADR
16 a Delaware limited partnership, }
17 Plaintiff, } STIPULATION TO DISMISS ACTION
18 vs. } WITHOUT PREJUDICE PURSUANT TO
19 HAL BRODY and STEPHEN BUEL, } SETTLEMENT AND [proposed] ORDER
20 Defendants }
21

22 Plaintiff EASTBAY EXPRESS PUBLISHING LP, a Delaware limited partnership, filed its
23 complaint in this matter on June 4, 2009, against defendants HAL BRODY and STEPHEN BUEL. The
24 parties have reached a settlement pursuant to which all parties hereto stipulate and agree that this matter
25 shall be dismissed and that such dismissal shall be without prejudice, pending the timely satisfaction of
certain obligations by defendants as set forth in the settlement agreement. In addition, the parties
stipulate that this Court shall retain jurisdiction of this matter for the limited purpose of entering a
Dismissal with Prejudice upon the timely satisfaction of all of the defendants' obligations under the
settlement agreement. The parties further stipulate and agree that each party shall bear his or its own
attorneys fees and costs, except as otherwise provided under the terms of the settlement agreement.

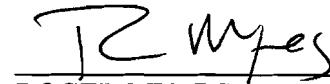
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STIPULATION & ORDER TO DISMISS W/O PREJUDICE No. C09-02494 CW ADR

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3 SO STIPULATED:

4 Dated this 28th day of August, 2009

HOLME ROBERTS & OWEN LLP

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7 ROGER MYERS
8 Attorneys for Defendants
HAL BRODY and STEPHEN BUEL

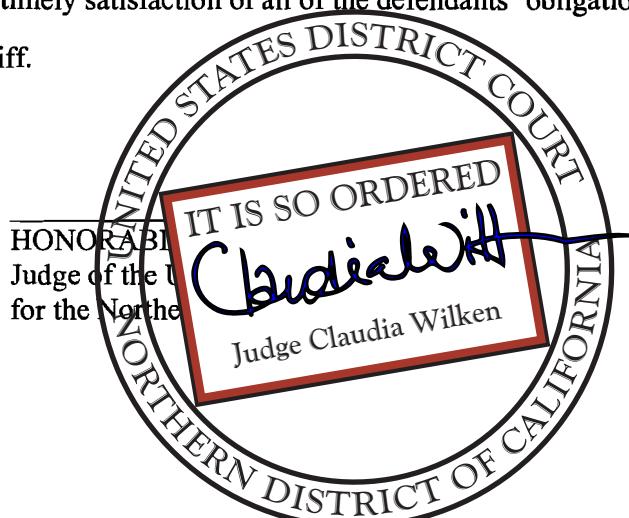
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10 Dated this 28th day of August, 2009

FARRIMOND LAW OFFICES,
a Professional Corporation

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12 RANDALL S. FARRIMOND
13 Attorneys for Plaintiff
14 EASTBAY EXPRESS PUBLISHING
15 LP

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17 PURSUANT TO STIPULATION, IT IS ORDERED, that this matter is hereby DISMISSED
18 WITHOUT PREJUDICE and that this Court shall retain jurisdiction for the limited purpose of entering
19 a Dismissal with Prejudice upon the timely satisfaction of all of the defendants' obligations under their
20 settlement agreement with the plaintiff.

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22 Dated: September 24, 2009



STIPULATION & ORDER TO DISMISS W/O PREJUDICE No. C09-02494 CW ADR